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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,710	02/09/2004	Joseph B. Kaul	28570/39829A	9545

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EXAMINER

SAFAVI, MICHAEL

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,710

Applicant(s)

KAUL ET AL.

Examiner

M. Safavi

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3673

The abstract of the disclosure is objected to because the present abstract does not present a concise statement of the full technical disclosure of the patent application *including any processes or methods*. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinal, Jr. in view of Benson et al.

Cardinal, Jr. discloses, Figs. 2 and 4, a method of lining a surface with a geosynthetic liner 4 utilizing a dispenser having base 7, with a chassis or carriage mounted upon the base. A pair of cradle rollers is at 9, 10 supporting the geosynthetic roll. Guide roller is at 17. Cardinal, Jr. desires an appropriate overlap between sheets of material when placed on the ground.

Benson et al. discloses, Figs. 3 and 4, a dispenser for roll of material having movable base 16, with a chassis or carriage transversely movable, (by actuator), upon the base, lines 4-6 of the abstract and col. 1, lines 50-65. Benson also discloses a pair of cradle rollers 33, 34, guide roller 24 or 25, and a pair of adjustable alignment arms as can be seen in upper portion of Fig. 3.

Art Unit: 3673

To have provided any of the trucks of Cardinal, Jr. with a transversely movable carriage, (by actuator means), thus allowing for an appropriate overlap of material along either side of the truck, would have constituted an obvious expedient to one of ordinary skill in the art at the time the invention was made as taught by Benson et al. With such a modification of what is disclosed by Cardinal, Jr. one of ordinary skill in the art would be allowed to place any multiple number of geosynthetic rolls with a single dispenser while assuring the desired overlap between adjacently positioned rolls.

3. Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinal, Jr. in view of Benson et al. as applied to claims 21 and 22 above, and further in view of Barazone.

Barazone discloses a pair of adjustable width alignment arms 44 to sandwich a roll of material therebetween with hydraulic piston 50 serving to actuate the alignment arms.

To have provided the modified Cardinal, Jr. assembly with adjustable width alignment arms, thus providing for a secure support for the roll of material as well as allow ease of material installation, would have constituted an obvious expedient to one of ordinary skill in the art at the time the invention was made as taught by Barazone. To have further provided for hydraulic piston actuators to move the modified Cardinal, Jr. assembly carriage, thus utilizing a strong actuating means, would have constituted a further obvious expedient to one of ordinary skill in the art at the time the invention was made as taught by Barazone's pistons 50.

Art Unit: 3673

4. Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinal, Jr. in view of Benson et al. as applied to claims 21 and 22 above, and further in view of Schwien et al.

Schwien et al. discloses a pair of adjustable width alignment arms 72 to sandwich a roll of material therebetween. To have provided the modified Cardinal, Jr. assembly with adjustable width alignment arms, thus providing for a secure support for the roll of material as well as allow ease of material installation, would have constituted an obvious expedient to one of ordinary skill in the art at the time the invention was made as taught by Schwien et al.

5. Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinal, Jr. in view of Benson et al. and Schwien et al. as applied to claims 24 and 26 above, and further in view of Barazone.

Barazone discloses a pair of adjustable width alignment arms 44 to sandwich a roll of material therebetween with hydraulic piston 50 serving to actuate the alignment arms.

To have provided the telescoping, rotatable adjustable width alignment arms of the modified Cardinal, Jr. assembly with hydraulic piston actuators, thus providing a forceful and sturdy actuating device, would have constituted an obvious expedient to one of ordinary skill in the art at the time the invention was made as taught by Barazone. To have further provided for hydraulic piston actuators to move the modified Cardinal, Jr. assembly carriage, thus utilizing a strong actuating means, would have

Art Unit: 3673

constituted a further obvious expedient to one of ordinary skill in the art at the time the invention was made as taught by Barazone's pistons 50.

6. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown '755 in view of Benson et al.

Brown '755 discloses, Fig. 1, a method of lining a surface with a geosynthetic liner 14 utilizing a dispenser 10 having base 18/46, with a chassis or carriage 40/74/78 mounted upon the base. A pair of cradle rollers is at 74 supporting the geosynthetic roll 42. Guide roller is at end of 78. Brown '755 desires an appropriate overlap between sheets of material when placed on the ground.

Benson et al. discloses, Figs. 3 and 4, a dispenser for roll of material having movable base 16, with a chassis or carriage transversely movable, (by actuator), upon the base, lines 4-6 of the abstract and col. 1, lines 50-65. Benson also discloses a pair of cradle rollers 33, 34, guide roller 24 or 25, and a pair of adjustable alignment arms as can be seen in upper portion of Fig. 3.

To have provided the apparatus of Brown '755 with a transversely movable carriage, (by actuator means), thus allowing for an appropriate overlap of material along either side of the truck, would have constituted an obvious expedient to one of ordinary skill in the art at the time the invention was made as taught by Benson et al. With such a modification of Brown '755 one of ordinary skill in the art would be allowed to place any multiple number of geosynthetic rolls with a single dispenser while assuring the desired overlap between adjacently positioned rolls.

Art Unit: 3673

7. Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown '755 in view of Benson et al. as applied to claims 21 and 22 above, and further in view of Barazone.

Barazone discloses a pair of adjustable width alignment arms 44 to sandwich a roll of material therebetween with hydraulic piston 50 serving to actuate the alignment arms.

To have provided the modified Brown '755 assembly with adjustable width alignment arms, thus providing for a secure support for the roll of material as well as allow ease of material installation, would have constituted an obvious expedient to one of ordinary skill in the art at the time the invention was made as taught by Barazone. To have further provided for hydraulic piston actuators to move the modified Brown '755 assembly carriage, thus utilizing a strong actuating means, would have constituted a further obvious expedient to one of ordinary skill in the art at the time the invention was made as taught by Barazone's pistons 50.

8. Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown '755 in view of Benson et al. as applied to claims 21 and 22 above, and further in view of Schwien et al.

Schwien et al. discloses a pair of adjustable width alignment arms 72 to sandwich a roll of material therebetween. To have provided the modified Brown '755 assembly with adjustable width alignment arms, thus providing for a secure support for the roll of material as well as allow ease of material installation, would have constituted

Art Unit: 3673

an obvious expedient to one of ordinary skill in the art at the time the invention was made as taught by Schwien et al.

9. Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown '755 in view of Benson et al. and Schwien et al. as applied to claims 24 and 26 above, and further in view of Barazone.

Barazone discloses a pair of adjustable width alignment arms 44 to sandwich a roll of material therebetween with hydraulic piston 50 serving to actuate the alignment arms.

To have provided the telescoping, rotatable adjustable width alignment arms of the modified Brown '755 assembly with hydraulic piston actuators, thus providing a forceful and sturdy actuating device, would have constituted an obvious expedient to one of ordinary skill in the art at the time the invention was made as taught by Barazone. To have further provided for hydraulic piston actuators to move the modified Brown '755 assembly carriage, thus utilizing a strong actuating means, would have constituted a further obvious expedient to one of ordinary skill in the art at the time the invention was made as taught by Barazone's pistons 50.

Response to Arguments

Applicant's arguments filed December 13, 2004 have been fully considered but they are not persuasive. As expressed in the above rejection of claims 21 and 22 one of ordinary skill in the art would be allowed to place any multiple number of geosynthetic

Art Unit: 3673

rolls with a single dispenser while assuring the desired overlap between adjacently positioned rolls. Otherwise, Applicant's argument that "[p]recise overlap would not be possible if a truck operator has the capability of lateral roll adjustment" appears to be mere conjecture.

As for Applicant's arguments against Benson '301, Cardinal, Jr. and Benson are directed to apparatus for unwinding rolls of material with Benson desiring a precise alignment of the rolls. Again, Applicant's remark that "lateral movement will provide less accurate placement of multiple sheets of film in precise overlapping relation - as required by the Cardinal, Jr. method" appears as mere conjecture particularly with Benson teaching a precise alignment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (703) 308-2481. The examiner can normally be reached on Mon.-Thur., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



MICHAEL SAFAVI
PRIMARY EXAMINER
ART UNIT 354

M. Safavi
February 25, 2005